

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NORTH CAROLINA
3 EASTERN DIVISION
4

5 UNITED STATES OF AMERICA)

ORIGINAL

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7)

8 V.) 4:12-CR-57-D-2

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10)

11 DARIEL TRAVOINTE HADDOCK)

12

13 TRANSCRIPT OF SENTENCING PROCEEDINGS

14 October 1, 2014

15 1:01 p.m. - 1:38 p.m.

16 Before Chief District Judge James C. Dever III

17

18 APPEARANCES:

19 For the Government:
20 John H. Bennett, Esquire
Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, NC 27601

21

22 For the Defendant:
Thomas Courtland Manning, Esquire
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24 Reported by: Leslie Christian

25 Stenograph with Computer Aided Transcription

1 P R O C E E D I N G S

2 THE COURT: Good afternoon and welcome
3 to the United States District Court for the Eastern
4 District of North Carolina. We're here for the
5 sentencing of Mr. Haddock. Good afternoon,
6 Mr. Bennett.

7 MR. BENNETT: Good afternoon, Your
8 Honor.

9 THE COURT: Is the United States
10 ready?

11 MR. MANNING: We are, Your Honor. And
12 with me are assistant district attorneys Colleen
13 Janssen and Matt Lively who are both involved in the
14 state case in this matter.

15 THE COURT: Good afternoon,
16 Mr. Manning. Are you and Mr. Haddock ready to proceed?

17 MR. MANNING: Yes, Your Honor, we're
18 ready to go.

19 THE COURT: At this time I would ask
20 that Mr. Haddock be sworn or affirmed.

21
22 DARIEL TRAVOINTE HADDOCK,
23 was duly sworn or affirmed.

24
25 THE COURT: Mr. Haddock, do you

1 understand that having been sworn that your answers to
2 my questions are subject to the penalty of perjury?

3 MR. HADDOCK: Yes, sir.

4 THE COURT: Have you taken any kind of
5 medicine or substance in the last 48 hours that would
6 affect your ability to hear and understand these
7 proceedings?

8 MR. HADDOCK: No.

9 THE COURT: Do you know why you're
10 here today?

11 MR. HADDOCK: Yes.

12 THE COURT: Mr. Manning, do you have
13 any reason to doubt Mr. Haddock's competence to go
14 forward today?

15 MR. MANNING: No, Your Honor.

16 THE COURT: Does the government have
17 any reason to doubt Mr. Haddock's competence to go
18 forward today?

19 MR. BENNETT: No, Your Honor.

20 THE COURT: Based on Mr. Haddock's
21 answers to my questions and my observations of
22 Mr. Haddock and the answers from counsel I find that
23 Mr. Haddock is competent to go forward here today.

24 Mr. Haddock, as you know, you're here
25 today having entered a plea of guilty to the

14 The Court does this by initially
15 making findings of fact and calculating the advisory
16 guideline range. The Court may consider any motion
17 that may be made that might move that range either up
18 or down. The Court may consider all arguments that Mr.
19 Manning makes on your behalf, any statement you would
20 like to make, any arguments of the Assistant United
21 States Attorney in determining your sentence as you now
22 sit here in court. That will be the process we'll
23 follow. Mr. Manning, did you receive a copy of the
24 presentence report?

25 MR. MANNING: We did, Your Honor.

1 THE COURT: Mr. Haddock, did you
2 receive a copy of that report, sir?

3 MR. HADDOCK: Yes.

4 THE COURT: And did you speak with
5 your lawyer Mr. Manning about the report?

6 MR. HADDOCK: Yes.

7 THE COURT: At this time the Court
8 directs that the presentence report be placed in the
9 record under seal in accordance with the Federal Rules
10 of Criminal Procedure 32. The Court accepts as
11 accurate the presentence report except its matters in
12 dispute as set forth in the addendum.

13 I have reviewed the entire report
14 including the addendum. The addendum indicates there
15 are no objections from either the government or the
16 defense. Is that still the case, Mr. Manning, no
17 objections from the defense?

18 MR. MANNING: No objections.

19 THE COURT: Is that correct,
20 Mr. Haddock?

21 MR. HADDOCK: Yes.

22 THE COURT: No objections from the
23 government?

24 MR. BENNETT: No, Your Honor.

25 THE COURT: And, as I understand it,

1 there are some developments with respect to paragraph
2 19 the pending charges; the paragraph in the report
3 concerning the Wake County charges.

4 MR. MANNING: Your Honor, those have
5 been resolved and --

6 THE COURT: The murder charge was
7 dismissed or is to be dismissed?

8 MR. MANNING: I'm going to let Ms.
9 Janssen give you more detail as to what's happening
10 with the state charges. She's obviously in a much
11 better position than I am.

12 THE COURT: Okay. Good afternoon, Ms.
13 Janssen.

14 MS. JANSSEN: Good afternoon, sir.

15 THE COURT: Good afternoon.

16 MS. JANSSEN: Currently the murder
17 charge has been dismissed. It was dismissed quite some
18 time ago. In that same file number the defendant plead
19 guilty to one count of armed robbery and four
20 additional counts of armed robbery for separate and
21 unrelated events in the homicide. So five total.

22 He has plead guilty to those and has
23 entered into a plea. He has not been sentenced yet.
24 So we anticipate as soon as this sentencing is done
25 bringing him into state court and resolving those

1 matters and entering final judgment.

2 THE COURT: Thank you, ma'am. Do you
3 want to add anything to that, Mr. Manning?

4 MR. MANNING: No, Your Honor.

5 THE COURT: At this time I'll hear
6 from -- well, I'll calculate the advisory guideline
7 range and announce what that is. The total offense
8 level is 21, the criminal history category is two, the
9 advisory guideline range on Count 1 is 41 to 51 months.
10 Count 2 is 120 months consecutive to whatever the
11 sentencing on Count 1 is. Does the government object
12 to that advisory guideline range?

13 MR. BENNETT: No, Your Honor.

14 THE COURT: Does the defendant object
15 to that advisory guideline range?

16 MR. MANNING: No, Your Honor.

17 THE COURT: I will now hear from Mr.
18 Bennett in connection with the government's motion
19 under Section 5K1.1, 18 U.S.C. Section 3553(e).

20 MR. BENNETT: Thank you, Your Honor.

21 As to the specifics of the cooperation again in the
22 state matter I'm going to turn to Ms. Janssen and allow
23 her to detail it for you.

24 THE COURT: Okay.

25 MS. JANSSEN: Your Honor, as you know,

1 the defendant was charged initially in state court with
2 a robbery and a homicide that took place on December
3 the 2nd of 2011. Over the course of him being charged
4 with that and then coming forward and giving some
5 information and a statement in connection with that as
6 well as some other robberies it was finally determined
7 that this defendant was actually not present nor had
8 any involvement in the robbery and homicide on
9 December 2nd of 2011 as we originally had supposed.

10 The robbery and homicide that took
11 place, took place at the Tobacco Mart on Capital
12 Boulevard here in Raleigh on December 2nd. There was a
13 surveillance videotape that show the details of two
14 individuals coming in, the robbery and homicide
15 happening. Once we had actually identified the group
16 of suspects that we were looking at and had interviewed
17 a number of them initial information was that there
18 were two individuals that had gone in and two
19 individuals had waited outside in a vehicle -- this
20 defendant being one of them.

21 Subsequently, Mr. Haddock came in
22 prior to receiving any discovery from the State at all
23 and gave his account of the events of that evening as
24 well as his accounts in great detail of five other
25 armed robberies as well as some additional details on

2 However, he told us at that time that
3 he had not been present nor hadn't participated in the
4 December 2nd robbery that resulted in a homicide.

16 The folks who at that point had given
17 the information about who the initial four people were,
18 were the brother of the alternate defendant the shooter
19 in the case. Steven Cooley's brother identified his
20 brother and Demario Williams. Demario Williams's
21 brother identified the same two people as well as the
22 two in the vehicle. And then the girlfriend of Kwamane
23 Everett who was actually the driver identified the two
24 in the video as well as who she believed to have been
25 in the vehicle including this defendant.

1 Ultimately, the shooter's brother I
2 believe would have recanted. He was on the defense's
3 witness list. I do not believe that ultimately he
4 would have been a cooperative witness. The brother of
5 Demario Williams ultimately prior to trial was shot and
6 injured to the point that he had been in a wheelchair
7 and heavily medicated at all times. His recollection
8 of who actually left the house that night is fuzzy at
9 best.

10 And the girlfriend of Kwamane Everett,
11 I'm not sure what she would have said, and I'm not sure
12 anything she said would have been believed. So the
13 three people who initially placed Darriel at the scene
14 ultimately we did not have as witnesses. However, with
15 Darriel's statement that he came in and gave -- and it
16 was one of the most complete and detailed statements I
17 have ever gotten from a defendant especially
18 considering he had no access to the discovery when he
19 gave that statement.

20 Ultimately, the other two individuals
21 involved then both the driver and Kwamane Everett and
22 the second person who went in participated in the
23 robbery. Demario Williams also both agreed to
24 cooperate and gave statements not only that helped
25 identify the shooter but that confirmed for us that

3 What I would say is that without
4 Dariel having done what he did to the extent that he
5 did it and when he did it we may not have ended up with
6 the same outcome in the homicide trial. Ultimately,
7 all three of them Dariel Haddock, Kwamane Everett and
8 Demario Williams testified. They worked very well and
9 very hard with us. Semal Howard, she prepped for the
0 trial and they as far as criminal defendants testifying
1 in court, they testified very well. They all presented
2 well.

13 I personally believe that we would not
14 have gotten there but for Dariel's cooperation. The
15 victim in the case Majeed Warren the man who was shot
16 and killed, as we kind of delved in talking to the
17 witnesses that found him and that knew him was he was
18 beloved in that community. He was known -- school
19 children knew him because he would pass out quarters if
20 they showed him good grades on their report cards.

21 The local adults who would wonder in,
22 he would cut them a break on prices of things if they
23 didn't have enough money. We couldn't find a single
24 person that didn't have really great things to say
25 about him. And that community I think suffered a

1 significant loss. I think it would have been a great
2 injustice if we had not been able to convict Mr. Cooley
3 of killing him.

4 I think that we certainly could have
5 tried making the case but it would not have gone well
6 and it would not have been as strong without Dariel's
7 cooperation. I've been a prosecutor for just over nine
8 years now and the statement that he gave not only was
9 the most complete and most helpful I have ever
10 received, his detail in recall is amazing which makes
11 this a very sad moment also because this young man has
12 the potential to do far, far better things with his
13 life.

14 I know he did not get far in college,
15 but he graduated high school which is more than I can
16 say for a lot of defendants that I deal with. His
17 judgment and his reasoning ability; his intelligence is
18 too high for him to be here and that makes me very,
19 very sad. But I believe he has the potential so he
20 chooses to take advantage of every -- of anything that
21 Your Honor would show him. He has the ability to
22 become more than this and to move beyond this at some
23 point in this life.

24 The deal he received from the state is
25 that he plead guilty to five separate armed robberies

1 and that he -- there was no ultimate agreement about
2 what his sentence would be except that he receive no
3 less than 88 months. He is not guaranteed that 88
4 months. Although, I will tell you, Your Honor, and I
5 told Mr. Manning that based on his cooperation and his
6 followthrough with that cooperation at trial I intend
7 to ask for that number. And I have every expectation
8 that the trial judge who will be sentencing Modemele
9 will follow that recommendation. I know that, Your
10 Honor, you have the guidelines you are somewhat bound
11 by.

12 THE COURT: I'm bound by mandatory
13 minimums, but I'm not bound by the guidelines.

14 MS. JANSSEN: Okay. It works a little
15 bit different. What I would ask, Your Honor, is to
16 fashion a judgment that would allow him as close to
17 similar of our timeframe as you can see fit to give
18 him. But most importantly I would ask that Your Honor
19 order to the extent that you can that his federal
20 sentence, whatever it might be, run concurrently with
21 his state sentence.

22 That was not -- obviously we didn't
23 have the power to build that into his state plea
24 agreement, but in conversations with his lawyer and
25 with himself he knows -- I think he knows that if

1 everything went well and he did what he said he was
2 going to do that we would be asking for that, and I
3 would ask Your Honor to do that. If you have any other
4 questions about my interactions with him or the case at
5 all I would be happy to answer them.

6 THE COURT: I don't have anything.

7 MR. BENNETT: Your Honor, what I would
8 add is as to the case that we're here today, I became
9 aware very quickly that Mr. Manning was representing
10 Mr. Haddock in the state court. We made contact and
11 Mr. Manning assured that Mr. Haddock was the first
12 person to come in in my case as well to provide
13 information. I echo Ms. Janssen that in terms of our
14 case he's been complete; he's been truthful.

15 You have Mr. Everett and Mr. Williams
16 still pending sentencing in front of you. We're
17 waiting to get to that point and then we're going to
18 produce Mr. Cooley in this case. The fact that he got
19 life in state court does not let him off the hook on
20 this case. And we don't know what Mr. Cooley will do.
21 The evidence is overwhelming in this case. But if for
22 some reason he chooses at trial you will see
23 Mr. Haddock again in that case. And based upon the
24 representations that I've got I'm sure he would be an
25 excellent witness at that point too. I want to echo

1 the recommendation.

2 You see my recommendation in the
3 motion, but I do want to echo particularly that we had
4 asked you to run it -- that you would recommend running
5 it concurrent to his state sentence. We think that
6 with his level of cooperation that would be
7 appropriate. While I'm up -- so I don't have to get up
8 again, the victims in this matter have been notified
9 and none have chosen to be present or speak to the
10 Court about it.

11 THE COURT: Now, these armed robberies
12 in Wake County --

13 MR. BENNETT: Again, I'll defer to
14 Ms. Janssen.

15 MS. JANSSEN: Yes, sir. They were --
16 once we focused in on this group there were a total of
17 16 armed robberies across five law enforcement agencies
18 in a period of -- I think the earliest we were able to
19 definitively tie this group was May of 2011 going
20 through -- they end obviously on January 8th of 2012
21 with the Food Lion robbery down in Greenville.

22 One or two of those we were able to
23 call out as not quite 100 percent sure was this group.
24 And when he came in and initially debriefed with the
25 Raleigh Police Department -- and I will say that that

1 -- that's what he did. He didn't give a proper -- he
2 came in and sat down with the detectives without any
3 kind of assurances or promises from our office before
4 he had seen the discovery and he gave information.

5 I specifically chose five to eight
6 armed robberies that I wanted details down to who did
7 what, where, when and he gave those details. But
8 additionally he was able to fill in the blanks on up to
9 14 total armed robberies. So we obtained as a result
10 of his information and subsequently Kwamane Everett and
11 Demario Williams pleading to some that they were
12 involved in that he was not. We attained convictions
13 in seven additional armed robberies outside of a
14 homicide and were able to exceptionally clear another
15 seven.

16 MR. BENNETT: And, Your Honor, again,
17 I had a similar case in front of you involving multiple
18 robberies where it was clear that one defendant's
19 cooperation helped trigger everything that happened
20 after that. And in this particular case it's very
21 similar that either Mr. Haddock's cooperation in the
22 beginning helped set in motion all the ability to move
23 forward in this case then including most importantly
24 Mr. Cooley's conviction in that homicide.

25 THE COURT: While I grant the motion

1 it doesn't mean I'll accept the ultimate recommendation
2 that the government has made, but I will give
3 Mr. Haddock credit today for his substantial
4 assistance. And because the motion has been made under
5 18 U.S.C. Section 3553(e) I am not bound by the
6 mandatory minimum. With that I recognize Mr. Manning
7 to speak on behalf of Mr. Haddock. I'll then hear from
8 Mr. Haddock. I'll then hear from the government.
9 Mr. Manning.

10 MR. MANNING: Your Honor, briefly with
11 respect to the 3553(a) factors the presentence report
12 is very accurate in terms of his upbringing. His
13 mother is here. I've spent a lot of time with her in
14 the last two years, and she did the very best that she
15 could do with her children. And through high school
16 she did okay. And she's been hanging in there with
17 this matter for the last two and a half years. And
18 Darriel went sideways, Your Honor, and smoked a lot of
19 dope and got in with some of these older guys. I can't
20 really say that they're a gang but they were behaving
21 in that fashion. The people that ended up being
22 co-defendants in both sets of these cases in Greenville
23 were all the same folks.

24 THE COURT: Are they all from Pitt
25 County?

1 MR. MANNING: All from Pitt County.
2 And I think when it got a little hot in Greenville they
3 rented a house in Knightdale and came up here and it
4 was the same type of behavior in a new environment.
5 When the defendant called me I went to see Dariel right
6 away and told him what the facts of life were and we
7 immediately wanted to have a sit-down.

8 He told me that he was not involved in
9 the shooting. He gave me significant detail and I
10 believed him enough to say -- I called Colleen and Matt
11 or whoever had the case at the time and said we want to
12 talk and -- they didn't know who shot John at that
13 point. We sat down and, I must say, the first six
14 hours was excruciating but the detectives didn't
15 believe a word he said. And over time -- there was a
16 short period of time it turned out that his amazing
17 memory brought him around because the -- in all these
18 robberies the people were wearing different clothes,
19 different colored clothes, different kinds of hats,
20 shoes. And it turned out that they had a clothing box.
21 And every time they would go out they would put on
22 different outfits, use different weapons or they would
23 change weapons around and go and use different
24 vehicles. And with the mask it was really -- the MO is
25 pretty much the same, but in terms of identifying

1 anybody it just wasn't going to happen.

2 It was a very sophisticated
3 organization and he remembered colors, outfits from
4 discrete jobs that they did which just blew me away. I
5 don't think I could remember things like that. He
6 remembered everything that he ever did in Greenville or
7 Raleigh and who was along.

8 I know that he's intelligent. I know
9 that in the absence of marijuana in the last two years
10 his intellect has returned. He's really a bright man.
11 Very bright. And I think that he could be a success.
12 And now that he's had the time to reflect I think that
13 he will make it whatever happens here or whatever
14 happens in Superior Court. I think when he comes out
15 as long as his mother is alive he's going to make it.

16 I would ask the Court to honor the
17 government's recommendation if at all possible. It is
18 true that between the two counties there is a string of
19 armed robberies; there's a string of people who have
20 had guns placed in their faces and money which was
21 taken. And there's no going back or apologizing for
22 that other than what he's done to try and make amends
23 by his cooperation. And by all accords I haven't seen
24 any single fact that's a variance from now that they
25 know the entire story. He was spot on from the very

1 beginning. There wasn't any pulling teeth to get him
2 to commit to that course.

3 The only thing that is a minor matter
4 is the restitution in this case. The proceeds of the
5 robbery were recovered in paragraph nine of page four
6 of five. That money is still in practical matter in
7 evidence. And I know the PSR recommends that
8 restitution be ordered, but that discrete amount of
9 money is in the control of the government until
10 everybody has been prosecuted and the case is closed.

11 I don't know if the Court needs to
12 order it or not because I know that the money has been
13 converted to another form. And I've never had a
14 situation where there was proceeds of a robbery that
15 still exist where the victim will be in a position to
16 get the money back. That's the only matter that -- the
17 detail that I can see.

18 One other thing and I'll be quiet.
19 Dariel has mentioned briefly in his presentence report
20 he has Type 1 diabetes. He is completely insulin
21 dependent. He gets four injections a day. And when
22 the case first began and I first started representing
23 him the medical part of his life hadn't caught up with
24 his presence in the Wake County Jail, and he nearly
25 died as a result of not getting the insulin that he

1 needed. And we had to move pretty quickly to get that
2 squared away. Since then he's been maintained properly
3 and has checked his blood sugar four times a day and is
4 getting the right injections.

5 Two days ago -- I don't know whether
6 it's in the state from the Wake County case or whether
7 the marshall has moved him to Franklin County. When I
8 saw him over there yesterday they were just catching up
9 with that business. And so looking forward as a
10 personal preference I would rather have him in federal
11 custody for whatever the sentence is going to be
12 because I think that he has a greater chance of
13 survival but just because of the level of medical care
14 and health care that's available in the Bureau of
15 Prisons as compared with the State Department of
16 Corrections.

17 And if there's any way that the Court
18 can see its way to do that I think as a matter of his
19 personal survival it would be more likely that he would
20 be able to survive and finish whatever sentence is
21 imposed as contrasted with what may happen to him as a
22 result of his unique medical condition.

23 THE COURT: Do you want me to
24 recommend Butner?

25 MR. MANNING: I would ask if they have

1 a hospitable facility there and I would ask for Butner.
2 I don't know if he -- he may be the first one to go
3 over there and may have a chance of making it in there
4 because most of them have to be separated at some
5 point.

6 THE COURT: Thank you, Mr. Manning.
7 At this time I'll hear from Mr. Haddock if you would
8 like to make a statement, sir.

9 MR. HADDOCK: Yes, I would. As I
10 stand before you I want to acknowledge responsibility
11 for what I did because at that time I knew what I was
12 doing was wrong. I knew I shouldn't have been doing
13 it, but I can't make any excuses. There ain't no
14 excuses for my behavior. I can't make any excuses so I
15 accept full responsibility for what I did. I can't
16 place the blame on nobody else. I fell astray after
17 high school. I lost some guidance. I tried to make it
18 on my own but I see that that wasn't the way I should
19 have been doing it.

20 I would really like to settle with
21 what the Court gives me today because I know I've got
22 to pay for my actions. I take responsibility for what
23 I did. I just want to apologize to my family because I
24 shouldn't be standing here today. I accept the
25 responsibility and the consequences.

1 THE COURT: Thank you, Mr. Haddock.

2 At this time I'll hear from Mr. Bennett if you want to
3 add anything.

4 MR. BENNETT: Your Honor, we've
5 summarized everything you need to hear.

6 THE COURT: Mr. Haddock, the Court
7 recognizes its obligation to impose a sentence
8 sufficient but not greater than necessary to comply
9 with the purposes set forth in the statute. I have
10 considered all arguments Mr. Manning has made on your
11 behalf. I have considered your statement, sir. I have
12 considered the position of the United States. I have
13 considered the advisory guideline range.

14 And among other things I have to
15 consider the nature and circumstances of the offense
16 and the history and characteristics of the defendant;
17 the need for the sentence imposed to reflect the
18 seriousness of the offense, to promote respect for the
19 law and provide just punishment; the need for the
20 sentence imposed to deter others who might choose to
21 engage in the criminal behavior that brings you here;
22 the need for the sentence imposed to protect the public
23 from further crime by you; the need for the sentence
24 imposed to provide you with needed education or
25 vocational training and medical care or other

2 The statute lists a number of other
3 factors. I have considered all those factors although
4 I won't name each one individually. As to the nature
5 and circumstances of the offense you did engage in this
6 robbery in aiding and abetting and then using or
7 carrying a firearm during the relation of a crime of
8 violence and aiding and abetting as reflected in Counts
9 1 and 2. Each of those are serious offenses.

10 As for your history and
11 characteristics you are, as I understand it, a 2009
12 graduate of Rose High School in Greenville. The
13 lawyers have described your intelligence. You don't
14 really have much of a work history. You obviously got
15 involved in smoking dope and engaging in robberies
16 which is obviously very serious conduct. As I
17 understand it from the presentations, you tried to make
18 it right once all this came to light. And I'll give
19 you credit for that today.

20 While balancing the reality of the
21 number of these robberies that you've participated in
22 and the offense conduct, the federal offenses
23 conviction, I am going to impose a sentence that will
24 provide just punishment. You will get a lot of credit
25 today for the substantial assistance that you've

1 provided. I can tell you that if a person didn't give
2 the substantial assistance that you gave and engaged in
3 the behavior that you gave, there have been a lot of
4 20-something year olds who have stood here and they go
5 on to prison to die. That's not going to be what's
6 going to happen to you today, but you don't ever want
7 to come back here. I can tell you that. And the
8 choice is yours.

9 All these people here, they can hope
10 for you. They can't choose for you. The choices you
11 make in life have consequences. Sometimes those are
12 dramatic. Some of the choices you've made have
13 resulted in dramatic consequences. Some of those
14 consequences will be felt today. They could have been
15 a lot worse, but because you have accepted your
16 responsibility I'll give you credit for that.

17 I will impose a sentence that I think
18 moving forward will act with deterrence and provide
19 just punishment taking into account the serious nature
20 of the offense, the history and characteristics of this
21 defendant and all the other relevant sentencing factors
22 including the advisory guideline range.

23 I have fully considered the entire
24 record in this case pursuant to the Sentencing Reform
25 Act of 1984 as abided by by the Supreme Court's

7 Upon release of imprisonment you shall
8 be placed on supervised release for a term of three
9 years. This term consists of two years on Count 1 and
10 a term of three years on Count 2 run concurrently.
11 Within 72 hours of release from the custody of Bureau
12 of Prisons you shall report in person to the probation
13 officer in the district in which you were released. On
14 supervised release you shall not commit another
15 federal, state or local crime and shall not be in
16 possession of a controlled substance. You shall not
17 own or possess a firearm. If you do violate federal
18 law you will get caught and you will come back here and
19 you will go back to federal prison for a very long
20 time.

21 You shall comply with the standard
22 conditions with the district and the following
23 condition or conditions: You will participate in a drug
24 treatment program. You will cooperate in the
25 collection of DNA. You will consent to a local search

1 in accordance with the standard condition or
2 conditions. You will pay a special assessment of \$200
3 which is due immediately.

4 Mr. Bennett, what do you want to do
5 about restitution?

6 MR. BENNETT: I think Mr. Manning is
7 correct. That money is in evidence so I don't really
8 think that restitution needs to be ordered. It's
9 essentially recovered. And as a conclusion of all four
10 defendants, we're going to release that money back to
11 Food Lion.

12 THE COURT: I'm not going to order
13 restitution on the government's representation that the
14 money that was all recovered from the proceeds of this
15 robbery will be returned to Food Lion at the conclusion
16 of these matters. I'm not going to impose a fine in
17 this case.

18 Mr. Haddock, you can appeal your
19 conviction if you believe your guilty plea was somehow
20 unlawful or involuntary or some other fundamental
21 defect that's not waived by a guilty plea. You also
22 have a statutory right to appeal your sentence under
23 certain circumstances particularly if you think your
24 sentence is contrary to law. You did enter into a plea
25 agreement that contained an appellate waiver. From

1 what I understand I believe you've waived your right to
2 appeal your sentence. If you believe the waiver is
3 unethical or inapplicable for any reason you can
4 present that theory to the appellate court. With few
5 exceptions a notice of appeal must be filed within 14
6 days of the judgement being entered on the documented
7 case.

8 If you're unable to pay the costs you
9 can appeal in forma pauperis. If you so request, the
10 Court will prepare and file a notice of appeal on your
11 behalf. In accordance with the request of Mr. Manning
12 I recommend you attend substance abuse treatment. I
13 recommend a medical evaluation and treatment for your
14 diabetes. I recommend you serve your sentence at FCI
15 Butner. I recommend that you not serve your sentence
16 with any of your co-defendants. I recommend that you
17 be in primary federal custody, and if the state
18 sentence is concurrent then for you to serve your
19 sentence in federal custody. I do recommend -- and it
20 can be requested on federal judgment -- that the
21 federal and state sentences run concurrently.

22 MR. MANNING: Thank you, Your Honor.

23 THE COURT: Anything else,
24 Mr. Manning?

25 MR. MANNING: No, thank you.

1 THE COURT: Anything else from the
2 government?

3 MR. BENNETT: No, Your Honor.

4 THE COURT: Thank you all counsel who
5 appeared here today for their work in connection with
6 this matter. Mr. Haddock, good luck to you, sir.

7 (Proceedings adjourned at 1:38 p.m.)

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1 REPORTER'S CERTIFICATE

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3 I, Leslie Christian, court reporter, do hereby
4 certify that the pages contained herein accurately
5 reflect the notes taken by me, to the best of my
6 ability, in the above-styled action.

7 This the 15th day of January 2015.

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10 Leslie Christian,
11 Court Reporter

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